

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

ROBERT H. FORD,

Plaintiff,

v.

CITY OF GUNTERSVILLE,
ALABAMA,

Defendant.

CIVIL ACTION NO.
03-AR-0852-M

FILED
03 JUN 16 AM 10:40
U.S. DISTRICT COURT
N.D. OF ALABAMA

ENTERED

JUN 16 2003

MEMORANDUM OPINION

The court has been presented with a motion for relief filed by pro se plaintiff, Robert H. Ford, on June 11, 2003. It invokes Rule 60(b), F.R.Civ.P., and seeks to set aside the order of dismissal entered on May 12, 2003. There are several reasons why the said motion will be denied.

First, plaintiff, who is a lawyer, concedes that he received the order of dismissal entered on May 12, 2003, at his address, 42 River Bend Circle, Gadsden, Alabama, but did not file a timely motion for rehearing pursuant to Rule 59(a) and (b), F.R.Civ.P. He alleges no excuse for not having done so.

Second, plaintiff has not asserted any of the grounds set forth in Rule 60(b), and has alleged no facts that would constitute a basis for applying Rule 60(b).

Third, plaintiff agrees that his address is the address used by defendant's counsel and by the Clerk of Court when defendant's counsel mailed his motion to dismiss and when the Clerk mailed a

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copy of the motion docket. Although the court cannot speak for the defendant, it does note that the copy of the motion docket mailed to plaintiff by the Clerk was not returned by the United States Postal Service and was presumptively delivered.

Fourth, plaintiff's purported motion does not bear his signature, his address or his telephone number. It therefore violates Rule 11(a), F.R.Civ.P.

Plaintiff's motion will be denied by separate order.

DONE this 16th day of June, 2003.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE